

- - REMARKS - -

Claims 1-32 are currently pending in the application. Claims 26-32 have been withdrawn from consideration. Claims 7-8 and 13-14 have been canceled. Claims 1, 9, 15-16, 18 and 21-23 have been amended. The changes to the amended claims from the previous versions to the rewritten versions are shown above with a strike-through for deleted matter and underlines for added matter. No new matter has been added as a result of these amendments

In the outstanding final Office Action, claims 1, 7-10, 12, 19, 21-23 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,318,535 to Miraki (hereinafter "Miraki") in view of US Patent No. 5,425,712 to Goodin (hereinafter "Goodin"). The remaining claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Miraki in view of Goodin, and further in view of one or more of US Patent No. 5,700,242 to Mulder, US Publication No. 2003/0130716 to Weber et al., US Patent No. 6,514,228 to Hamilton et al., US Patent No. 6,488,653 to Lombardo, US Patent No. 6,315,757 to Chee et al., US Patent No. 5,269,759 to Hernandez et al., and US Patent No. 5,605,543 to Swanson. The rejections under 35 U.S.C. § 103(a) are respectfully traversed.

Independent claim 1 is directed to a balloon catheter comprising a catheter and stiffening member extending from the distal end thereof, wherein the stiffening member is fixedly and non-removably connected to the catheter at one or more locations, and further wherein the proximal end of the balloon is fixedly connected to the distal end of the catheter and the distal end of the balloon is non-fixedly connected to the stiffening member. Claim 1 further requires that the distal end of the balloon be restrained against transverse movement by the stiffening member, while not being restrained against axial movement by either the stiffening member or the catheter. In particular, claim 1 requires that the distal end of the stiffening member slidably engage and terminate within a closed passageway defined by a sleeve disposed on the distal end of the balloon. As explained in detail in the specification for the present application, the claimed configuration provides a balloon that is allowed to lengthen or retract (e.g.,

during inflation or deflation) without being restrained by either the stiffening member or the catheter. The distal end of the balloon is nevertheless constrained against transverse movement by the stiffening member so as to ensure that the balloon remains centered/aligned with the axis of the catheter. These features and limitations are neither suggested nor disclosed by the prior art.

In the outstanding final Office Action, the Examiner asserts that the guide wire assembly (12) shown in Figs. 5-12 is a “stiffening member” that laterally supports, but is non-fixedly connected to, the distal end of the balloon. However, the Examiner admits that the guide wire assembly (12) is not fixedly and non-removably connected to the catheter, and that Miraki fails to teach a stiffening member that is fixedly and non-removably connected to a catheter. The Examiner nevertheless contends that Goodin teaches a “stiffening member” that is fixedly and non-removably connected to a catheter, and that it would have been obvious to combine the teachings of Goodin with those of Miraki to obtain a balloon catheter having all of the limitations called for by claim 1. Applicant respectfully disagrees.

The structure of Goodin that the Examiner asserts is a “stiffening member” is inner tube (21), and in particular distal inner tube (22) and bumper tip (23). Applicant disagrees that these components either function as a stiffening member or meet the “stiffening member” limitations of claim 1 for at least the reasons set forth in Applicant’s previous responses and will not be repeated here. Nevertheless, Applicant re-asserts that distal inner tube (22) and bumper tip (23) does not and cannot function as a stiffening member since these inner members are illustrated as being bent or curved, whereas the outer catheter (30) is straight. Thus, these inner members (22 and 23) obviously lack the rigidity or strength to provide any lateral support to the distal end of the balloon. Goodin therefore fails to teach or suggest the stiffening member limitations that are admittedly absent from Miraki. The other references of record likewise fail to disclose or suggest these same features and limitations.

Accordingly, and for at least the reasons discussed above, independent claim 1 is patentable over the art of record. The claims 2-6, 9-12 and 15-25 are each dependent on claim 1, and are therefore likewise patentable for at least the same

reasons that claim 1 has been demonstrated above to be patentable. Further discussion of these dependent claims is therefore unnecessary.

It is therefore believed that the application is in condition for allowance, and such allowance is now earnestly requested. If for any reason the Examiner is not able to allow the application, the Examiner is respectfully requested to contact the Applicant's undersigned attorney at (312) 321-4273.

Respectfully submitted,

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